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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/067,208	04/28/1998	WILLIAM G. HOWARD	P-7860	9814	
27581 7	2590 09/03/2003		•		
MEDTRONIC, INC.			EXAMI	EXAMINER	
710 MEDTRONIC PARKWAY NE MS-LC340 MINNEAPOLIS, MN 55432-5604			CREPEAU, JO	CREPEAU, JONATHAN	
			ART UNIT	PAPER NUMBER	
			1746	21	
			DATE MAILED: 09/03/2003	30	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Application   Application   Application   Application   Application   Application   Application   Application   Application   Art Unit   Jonathan S. Crepeau   I1746				
Examiner Jonathan S. Crepeau  Art Unit Jonathan S. Crepeau  Art Unit Jonathan S. Crepeau  THE REPLY FILED 19 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.131 may only be either. (f) a timely filed amendment which places the application in condition for allowance. (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compiliation with 37 CFR 1.144.  PERIOD FOR REPLY (check either a) or b)  The period for reply expires		Application No.	Applicant(s)	
Examiner   Jonathan S. Crepeau   1748	Advisory Action	09/067,208	HOWARD, WILLIAI	M G.
### The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  THE REPLY FILED 19 August 2003. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a interior production for allowance; (2) a timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal feet); or (3) a timely filed Request for Continued Examination (RCC) in compliance with 37 CFR 1.14.  #### PERIOD FOR REPLY  #### EPRIOD FOR REPLY  #### Interior the mailing date of the filed rejection.  #### DEPRIOD FOR REPLY (Section 1) and the repection of the period for reply expires	v /	Examiner	Art Unit	
THE REPLY FILED 19 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either. (1) a timely filed amendment within places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.    PERIOD FOR REPLY (check either a) or b)		Jonathan S. Crepeau	1746	
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a)  The period for reply expiresmonths from the mailing date of the final rejection. When the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP TRODOT(N. DATE) and the proposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee that the been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 57 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final origidine, even of (2) as set forth in 37 CFR 1.17(a), or any extension the centre of the mailing date of the final rejection, even of (2) as set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  2. The proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without cancelling a corresponding number of finally rejected claims.  NOTE:	Therefore, further action by the applicant is required to a final rejection under 37 CFR 1.113 may only be either: (1 condition for allowance; (2) a timely filed Notice of Appe	void abandonment of this application (1) a timely filed amendment whi	cation. A proper re ich places the appli	ply to a cation in
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire later than 5X MONTHS from the mailing date of the inejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fer. The appropriate extension fee when the set the date for purposes of determining the period of extension and the corresponding amount of the fer. The appropriate extension fee was been filed is the date for purposes of determining the period of extension and the corresponding amount of the fer. The appropriate extension fee was present a consideration of the period set forth in 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action, or (2) as set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the final rejection, even if timely filed, may reduce any sent part of the proposed amendment(s) will not be entered because:  (a) they raise new issues that would require further consideration and/or search (see NOTE below);  (b) they raise the issue of new matter (see Note below);  (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:  N	PERIOD FOR RE	EPLY [check either a) or b)]		
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Continuation of 5. does NOT place the application in condition for allowance because: Applicant's newly submitted arguments are not persuasive in establishing that the instant claims are supported by the '760 patent (Howard et al.). Applicants cite column 6, lines 46-65 of Howard et al. and state that it teaches that during winding, the anode assembly (1) is placed against cathode assembly (50) such that the alkali metal layer 15 is against the cathode material layer 60 at the end of the anode assembly to ensure that that outer winding of the electrode assembly has an alkali metal layer 15 facing the cathode material and the bare current collector 5 at the end 18 will face outward. However, it is the Examiner's position that this disclosure does not compel a conclusion that the alkali metal strip 15 is longer than the anode current collector 5. The above passage is concerned with the relative lengths of the cathode assembly and the anode assembly (i.e., the anode assembly is longer than the cathode assembly, see col. 6, lines 53-56). There is nothing in the passage that implies that that the alkali strip 15 is longer than anode collector 5. Furthermore, as stated in the previous Office action, Howard's discussion of separators at col. 5, lines 44-49 and Figure 1 of Howard are also not sufficient to establish that the claimed invention is supported by Howard.

RANDY GULAKOWSKI SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1700